THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16583 OF 2005

ORDER:

This Writ Petition is filed seeking declaration that the action of the 1st respondent-Commissioner, Prohibition & Excise, Government of Andhra Pradesh, in not considering the request of the petitioner to release the vehicle bearing Registration No.AP 28AL-2979, as arbitrary and illegal.

It is not in dispute that the vehicle in question was confiscated by the orders of the Deputy Commissioner, Prohibition & Excise, Nizamabad Division, Nizamabad, dated 22.6.2005 on the allegation that the vehicle was involved in transportation of huge quantity of rectified spirit. Aggrieved by the said order, the petitioner preferred an appeal before the 1st respondent-Commissioner, Prohibition & Excise. Pending the said appeal, since the request of the petitioner for interim custody of the vehicle was not considered, the petitioner filed the present Writ Petition.

This Court while directing *Rule Nisi* by order dated 29.7.2005 in W.P.M.P.No.21081 of 2005 directed release of the vehicle in question on furnishing security to the satisfaction of the 1st respondent.

When the matter is taken up for consideration, it is brought to my notice that in compliance with the said order, the petitioner furnished bank guarantee dated 9.9.2005 for a sum of Rs.3,20,000/-. However, the learned counsel for the petitioner submits that so far the vehicle has not been released.

The learned Government Pleader appearing for the respondents does not dispute the fact that the appeal is still pending before the 1st respondent.

In the facts and circumstances of the case and particularly keeping in view that the petitioner has already complied with the interim direction granted by this Court, I deem it appropriate to dispose of the Writ Petition with a direction to the respondents 1 and 2 to release the vehicle in question within one week, if the security furnished by the petitioner is found to be in order, and also subject to the

condition that the petitioner furnishes an undertaking that he will not alienate or create any third party interest in the vehicle, till the disposal of the appeal, and that he would produce the vehicle as and when required by the authorities. There shall be a further direction to the 1st respondent to dispose of the appeal pending on his file, as expeditiously as possible, preferably within a period of two months from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

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26th September, 2005.

Kgr

Note:

Furnish CC in two days.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.21113 OF 2004

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26.09.2005

Between:

N. Ramu. . Petitioner.

And

The Commissioner, Prohibition &

Excise, Government of Andhra Pradesh,

Hyderabad and three others. Respondents. .. Respondents.